

November 15, 2004

Beachwood Municipal Complex



7:00 PM

Call to Order

Salute to the Flag

Moment of Silence in memory of the men and women who lost their lives in service to our country. We pray for a swift and safe return home. We ask you to include in your thoughts and prayers former Mayor George Poth (1980-1983) who passed away on November 3, 2004 at the age of 87.

Opening Statement:

Ladies and Gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule for this Meeting of the Governing Body of the Borough of Beachwood is listed in the notice of meetings posted on the Bulletin Board located in the Municipal Complex and delivered to the Ocean County Observer and the Asbury Park Press on January 2, 2004.

Roll Call Members Present

Mayor Harold R. Morris

Council Members:

Beverly Clayton

Gregory Feeney

Thomas Miserendino

Patricia A Moran

Ronald Roma

Absent: Gerald W. LaCrosse

Webelos were present to express their thanks for recent visit to Borough Complex. Mayor Morris presented them with certificates of achievement.

EXECUTIVE SESSION

WHEREAS, SECTION 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.

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2. The general nature of the subject matter to be discussed is as follows:

Contractual – Assessor - Code Enforcement - Engineer

3. It is anticipated that the subject matter discussed may be made public in (90) days.

Motion: Feeney Second: Clayton
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent LaCrosse

Re-Open

Motion: Feeney Second: Roma
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent LaCrosse

#2004-303 RESOLVED by the Governing Body of the Borough of Beachwood to approve the Certified Bills List in the amount of **\$ 2,267,228.06**

Motion: Feeney Second: Miserendino
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent LaCrosse

#2004-304 RESOLVED by Mayor and Council to approve the minutes of the November 03, 2004 Meeting of Mayor and Council.

Motion: Clayton Second: Miserendino
Approved: Clayton – Miserendino – Moran - Roma
Abstain: Feeney Absent LaCrosse

#2004-305 RESOLVED by the Governing Body to approve the following rentals of the Community Center and Mayo Park.

COMMUNITY CENTER 2005				
Feb.	27	Roemmele	Rental:	\$350
		400 Longboat Ave	Deposit:	\$500
May	21	Gruadagnino	Rental:	\$350
		1042 Berkeley Ave	Deposit:	\$500
		Toms River .		
Nov	19	Yakovchuk	Rental:	\$350
		15 Railroad Ave	Deposit:	\$500

Motion: Roma Second: Clayton
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent LaCrosse

#2004-306

WHEREAS, on July 21, 2004 under Resolution #2004-207, approval was given for rental of the Community Center on November 7, 2004 by George Bankston , 136 Spray Avenue, noting all resident fees were posted (\$850); and

WHEREAS, on November 12, following inspection of the facility, it was noted that the interior flag pole and it's eagle mount were broken; and

WHEREAS, George Bankston was notified of the damages and the cost associated amount of \$66.50.

NOW, THEREFORE, BE IT RESOLVED to authorize a refund in the amount of de \$433.50 said refund reflecting the cost to replace the flag pole and eagle mount, (\$66.50) to George Bankston 136 Spray Avenue Beachwood.

Motion:	Moran	Second:	Feeney
Approved:	Clayton – Feeney – Miserendino – Moran - Roma		
Abstain:		Absent	LaCrosse

#2004-307

RESOLVED by Mayor and Council to approve the following conference - training seminar requests.

Date:	Dec.. 03	Administrative -	E. Mastropasqua
Location:	Toms River – Commerce Insurance		
Subject:	JIF – Executive Safety Committee Meeting		
Cost:	\$0		
Vehicle:	No		

Motion:	Feeney	Second:	Moran
Approved:	Clayton – Feeney – Miserendino – Moran - Roma		
Abstain:		Absent	LaCrosse

#2004-308

RESOLVED by Mayor and Council to apppoint Elizabeth Brown as Board of Health Secretary effective immediately. Annual salary \$600.

Motion:	Miserendino	Second:	Clayton
Approved:	Clayton – Feeney – Miserendino – Moran - Roma		
Abstain:		Absent	LaCrosse

#2004-309

TABLED

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEANCOUNTY, NEW JERSEY AUTHORIZING THE EXECUTION OF A CONFIRMATORY DEED TO A PORTION OF BLOCK 11.29, LOT,1, PREVIOUSLY KNOWN AS BLOCK M-29 LOT 5 AS PREVIOUSLY RE-FORECLOSED BY THE BOROUGH OF BEACHWOOD BY FINAL JUDGMENT RECORDED OCTOBER 28, 1969.

WHEREAS, the Borough of Beachwood previously brought a foreclosure action under Docket No. F-4760-67 against various property within the Borough of Beachwood including a 20 x 100 foot lot known as Lot 5, Block M-29 and now known as a portion of Block 11.29, Lot 1, Beachwood, New Jersey; and

WHEREAS, said re-foreclosure judgment referenced that absolute Title should be vested into, among others, John Wybolt and Pauline Wybolt, his wife; and

WHEREAS, said Pauline Wybolt, the widow of John Wybolt, has conveyed said property inclusive of adjoining lots 1 through 4 in prior Block M-29; and

WHEREAS, the title company insuring the new property owner has requested a confirmatory Deed as to said Block M-29, Lot 5; and

WHEREAS, it is now the desire of this governing body to authorize the execution of said Confirmatory Deed, which was to have vested title to said property as a result of the re-foreclosure judgment as hereinabove referenced.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beach wood, County of Ocean and State of New Jersey as follows:

1. That the Mayor and Clerk are authorized to execute the attached Confirmatory Deed covering a portion of Block 11.29, Lot 1 and previously known as Block M-29, Lot 5, Plat MC, Map No. 35 on a map entitled, "Beachwood, Ocean County, New Jersey".
2. That said Confirmatory Deed shall be from the Borough of Beachwood to the recent purchasers of said property from Mrs. Pauline Wybolt, who obtained sole title to the property as a result of the death of her husband, John Wybolt, Sr.
3. That upon the adoption of the within resolution, the Clerk is authorized to forward a duly authenticated copy of it to the Borough Attorney for distribution to the appropriate

parties.

Motion: Roma
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain:

Second: Miserendino
Absent: LaCrosse

ORDINANCE
#2004-13

FIRST READING TITLE ONLY
**AN ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN
COUNTY, NEW JERSEY AMENDING CHAPTER II ENTITLED
“ADMINISTRATION” AS IT AFFECTS PRIVATE SECURITY DUTIES
AND THE FEES CHARGED THEREFOR**

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean and State of New Jersey, as follows:

SECTION 1. Section 2-12.11 entitled “Private Security Duties” is hereby amended in its introductory paragraph to delete the sentence reading, “Whenever the Chief of Police or his designee determines that extra duty assignments shall be performed for a party requesting private or quasi-public duty, the Chief of Police or his designee shall enter into an agreement as provided and prepared under the direction of the Mayor and Council for extra duty assignments for which the Borough shall be compensated at the rate set from time to time by resolution.” and to insert in its place and stead the following: “Whenever the Chief of Police or his designee determines that extra duty assignments shall be performed for a party requesting private or quasi-public duty, the Chief of Police or his designee shall enter into an agreement as provided and prepared under the direction of the Mayor and Council for extra duty assignments for which the Borough shall be compensated as hereinafter set forth.”

SECTION 2. Section 2-12.11 entitled “Private Security Duties” is hereby supplemented by the inclusion of the following subsection:

“i. The rate for private security details as requested pursuant to this ordinance shall be \$29.70 per hour with a four (4) hour minimum. Of this rate, the Borough shall receive a 10% administrative charge or a rate of \$2.70 per hour. The police officer will be paid at the rate of \$27.00 per hour. In regard to private road job assignments, the rate will remain at the current \$49.50 per hour with a four (4) hour minimum of which the Borough shall receive 10% for administrative charges.”

SECTION 3. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

RESOLUTION

#2004-311 RESOLVED by Mayor and Council to approve Ordinance #2004-13 as presented on First Reading by Title only.

Motion: Miserendino Second: Feeney
Question: Clayton – requested explanation. C. Dehnz responded.
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent: LaCrosse

CORRESPONDENCE

- a. University Behavioral Healthcare – University of Medicine & Dentistry
Providing informational services for those still dealing with the 911 disaster.

COUNCIL REPORTS

Mayor: Commented on Senate Bill 282 affecting the offices of prosecutors, turning them over to the State. Noted that he will be speaking with regard to proposed amendments on Megans Law, at the N.J. League of Municipalities Convention in Atlantic City. He will appear on a panel along with Assemblyman Brian Rumps.

Clayton; Beverly Snowman Contest begins in December (continues into March – photos of snowmen should be submitted for contest). Blood Drive somewhat successful, although shorted by Red Cross on staff personnel, that they had to turn people away.

Feeney; Gregory Absent at last meeting, offered congratulations to Mr. Miserendino and Mr. LaCrosse on election victory. Thanked Mrs. Moran for work on Little League fields. Ordinance committee needs to call meeting to discuss various proposed ordinances. Ocean County Recycling Revenue Sharing check received in amount of \$7,219. JIF Dividend due in the amount of \$34,475.95.

LaCrosse; G.W. Absent

Miserendino; T. Letter from Joe Vallo on success of Jr. Firefighter classes. Graduation will be held November 23 6:30 p.m. Program had nice article in papers. Grant received from FEMA for Fire Company equipment. Grant requires 10% matching monies.

Moran; Patricia Fire House floor was to be repainted and Borough approved a change order for RB Reynolds to do work. Having problem with Reynolds and will be rescinding that approval and seeking work to be done by someone else.

RESOLUTION

#2004-312 RESOLVED by Mayor and Council to rescind the prior approval of RB Reynolds

change order for painting the floor in the Fire Company Bays.

Motion: Moran Second: Feeney
Approved: Clayton – Feeney – Moran – Roma
Abstain: Miserendino Absent: LaCrosse

Eagle Scout bumper projects done last week. Will do last phase in Spring. Little League Dug out completed.

Roma; Ronald Alliance dance December 10th Community Center. December 17, Senior Luncheon. PBA – Alliance and Recreation starting “Winter Volleyball”. Registration will be held on December 1 & 2.

Attorney Executive Session

Engineer : Mr. Klee discussed letter on Vertical Filter repairs (U.S. Filter)

**RESOLUTION
#2004-313**

To authorize the encumbrance of \$20,000.00 for repairs if needed for Vertical Filter.

Motion: Miserendino Second: Feeney
Approved: Clayton – Feeney – Miserendino - Moran – Roma
Abstain: Absent: LaCrosse

Municipal Clerk Insurance Safety report – Workers Compensation claims 2004 indicate 979.5 man hours lost.

Mrs. Clayton questioned “off duty” employment vs. workers compensation eligibility. Specifically “police”.

OPEN TO PUBLIC DISCUSSION

Motion: Roma Second: Feeney
Approved: Clayton – Feeney – Miserendino - Moran – Roma
Abstain: Absent: LaCrosse

Petrecca
Fire Company Re: status of Fire Truck Bids (Oct. 18)

Mayor: We may be going out to bid again. We don't have enough money. We may have to wait until 2005 budget. Problem with specifications to address.

FEMA grant money for radios could be used to off set money problem.

Council: Discussed bond amendment.

Seitz
Ship Ave: Commented on the truck to be replaced by the new “bid” truck. It's a safety liability.

CLOSE TO PUBLIC DISCUSSION

Motion: Roma Second: Feeney

Approved: Clayton – Feeney – Miserendino - Moran – Roma
Abstain:

Absent: LaCrosse

EXECUTIVE SESSION

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WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Beachwood, County of Ocean, State of New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - Terms & Condition of Employment - Personnel (Public Works)
 - Contractual – Owen Little (Salt Hut – First Aid – Well #7)
 - Integra Realty – COAH (Surenian)
 - Potential Litigation – Belkowski – Clyde Lattimer

3. It is anticipated that the subject matter discussed may be made public in (90) days.

Motion: Roma Second: Miserendino
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent LaCrosse

RE-OPEN

Motion: Roma Second: Clayton
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent LaCrosse

ACTION TAKEN RESULTING FROM EXECUTIVE SESSION THIS DATE

#2004- 314 RESOLVED by Mayor & Council to approve the additional fees for Owen Little Associates on Salt Shed in the amount of \$1,650.

Motion: Feeney Second: Roma
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent LaCrosse

#2004- 315 RESOLVED by Mayor & Council to approve the additional fees for Owen Little Associates on First Aid Building coordination of outside survey, in the amount of \$4,622.50

Motion: Clayton Second: Roma
Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent LaCrosse

ADJOURNMENT

Motion: Clayton Second: Roma

Approved: Clayton – Feeney – Miserendino – Moran - Roma
Abstain: Absent LaCrosse

Submitted by: E.A. Mastropasqua

Harold R. Morris
Mayor

Attested to by: _____
Elizabeth A. Mastropasqua RMC/CMC
Municipal Clerk